

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 30, 2003

DIVISION ONE

B160984 Synolakis (Not for Publication)
v.
Wats

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B162224 People (Not for Publication)
v.
Gomez

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B163701 People v. Lockett (Not for Publication)

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

July 30, 2003 (Continued)

DIVISION ONE (Continued)

B162982 People (Not for Publication)
v.
Crawford

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B163646 Los Angeles County, D.C.S. (Not for Publication)
v.
Freddy P.

The order terminating Freddy P.'s parental rights over Ruben and David P. is reversed, and the matter is remanded to the juvenile court with directions to order DCFS to provide the requisite tribes, as well as the Bureau of Indian Affairs, with proper notice of the proceedings under the Indian Child Welfare Act. If no response is received indicating that Ruben and David P. are Indian children within the meaning of the Indian Child Welfare Act, the order terminating Freddy P.'s rights as to Ruben and David P. shall be reinstated and be deemed affirmed. If a response is received indicating that Ruben and David P. are Indian children, the juvenile court shall conduct a new section 366.26 hearing in conformity with the provisions of the Indian Child Welfare Act, and shall make such orders as are necessary and appropriate.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

July 30, 2003 (Continued)

DIVISION ONE (Continued)

[illegible]

The judgment is modified to strike the section 667.5, subdivision (b), enhancement and to reflect a conviction on count 8 under section 211. As so modified, the judgment is affirmed. The clerk of the court is directed to prepare a modified abstract of judgment and to forward a copy of the corrected abstract of judgment to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B153580 People (Not for Publication)
v.
Ingram

The judgment is reversed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

DIVISION TWO (Continued)

Each of the following:

B162478 People v. Jenkins
B160525 DCFS v. Micaela & Andrian H.
B158350 People v. Smith
B161524 Frenzley v. L.A. Fitness
B155679 People v. Robles and Dominguez
B159130 People v. Becerra
B160281 People v. Ranger Ins. Co.
B160440 People v. Collins
B161322 County of Los Angeles v. Granite State Ins.
B161071 People v. Cruz
B163975 Eells v. Dirnfeld & Zelner

Argument waived, cause submitted.

B158104 Woodard
 v.
 National Parkinson's Foundation

Merits:

Argued by David Nelson for respondent and there being no appearance for appellant. Cause submitted.

B157908 Bray
 v.
 Cedars-Sinai Medical Center

Merits:

Argued by Charlotte Costan for appellant and by Jens Koepke for respondent. Cause submitted.

B161057 International Interest Group, Inc.
 v.
 Forstmann

Merits:

Argued by Henry John Matusek for appellant and by C. Brent Parker for respondent. Cause submitted.

DIVISION TWO (Continued)

B162466 Mizrahi, et al.
v.
Fulton

Merits:
Argued by Ronald Cher for appellants and by Kathy McCormick for respondent. Cause submitted.

B161321 Lester, et al.
v.
Cotton

Merits:
Argued by Irving Meyer for appellants and by Erica Levitt for respondent. Cause submitted.

B149561 Brumfield, et al.
v.
Brown, et al.

Merits:
Argued by Andrew Chang for respondents and by Sean Riley for appellants. Cause submitted.

B155081 People
v.
Fleming

Merits:
Argued by Beverly Falk, Deputy Attorney General for respondent and by Kenneth Levine for appellant. Cause submitted.

B152882 Farrow
v.
Carnival Corporation, et al.

Merits:
Argued by Emmanuel Akudinobi for cross-appellant and by Sherry Kampler for appellants. Cause submitted.

DIVISION TWO (Continued)

B144486 Schultz
 v.
 Miller, et al.

Merits:
Argued by Alan Tippie for appellant, by Randell Leff for respondents Michael Miller, et al.; and by Bruce Friedman for respondent Stern, Neubauer, Greenwald & Pauly. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

B166721 Bagration
 v.
 Superior Court, Los Angeles County
 (People of the State of California, r.p.i.)

Merits:
Argued by Jack Weedin, Deputy Public Defender for petitioner and by Roberta Schwartz, Deputy District Attorney and G. Tracey Letteau, Deputy Attorney General for real parties in interest. Cause submitted.

B159548 China M & E Company
 v.
 Qu

Merits:
Argued by Mark Gottlieb for respondent and by Joel Tamraz for appellant. Cause submitted.

B162437 Los Angeles County, D.C.S.
 v.
 Venus R.

Merits:
Argued by Pamela Landeros, Deputy County Counsel for respondent and by Venus R. for appellant. Cause submitted.

DIVISION TWO (Continued)

B162064 Holguin
 v.
 Holguin

Merits:
Argued by Jeffrey Greenwald for appellant and by Loretta Selinger for respondent. Cause submitted.

B157962 Marks
 v.
 County of Los Angeles

Merits:
Argued by Maryetta Marks for appellant and by Charles Goldstein for respondent. Cause submitted.

B159853 Santa Clarita Organization, et al.
 v.
 County of Los Angeles, et al.

Merits:
Argued by Alyse Lazar for appellant and by Charles Moore for respondent County of Los Angeles; and by Kenneth Bley for respondent Lennar Corporation. Cause submitted.

B141342 Ling
 v.
 California Breeze Homeowners Assoc., et al.

Merits:
Argued by Mei Ling in propria persona for appellant and by David Pasternak for real party in interest, David Wald, receiver; and by John Blanchard for respondent California Breeze Homeowners Association. Cause submitted.

Court adjourned.

July 30, 2003 (Continued)

DIVISION THREE

B159352 Vicki E. Pollock, etc.
v.
University of Southern California, etc, et al.

Filed order vacating submission order of April 16, 2003. Due to the press of other court business and the complexity of the issues in this case, additional time is needed to complete and file the opinion in this matter.. Cause resubmitted.

DIVISION FOUR

B160771 People (Not for Publication)
v.
Diaz

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B164207 People (Not for Publication)
v.
Villasenor

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

July 30, 2003 (Continued)

DIVISION FOUR (Continued)

B158746 Alexander, et al. (Not for Publication)

v.

Regents of the University of California

The judgment is reversed and plaintiffs are to have their costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

DIVISION FIVE

B161635 Hiram Ash (Not for Publication)

v.

Kaiser Foundation health Plan, Inc., et al

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
 Mosk, J.

B161465 Bonnie Charmak (Not for Publication)

v.

Howard Rosen

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
 Mosk, J.

DIVISION FIVE (Continued)

B160618 Judith Nagler (Not for Publication)

v.

Hartman Group, Inc. et al

The judgment is affirmed. Plaintiff is awarded her costs on appeal from defendants. Plaintiff is awarded sanctions in the amount of \$27,500 jointly and severally from defendants, US Boys, Inc. and David Harkham and their counsel Christie Gaumer.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B159713 Shari Eubanks (Not for Publication)

v.

Charles Mathews

The judgment is affirmed. Each party to bear their own costs.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B160085 People (Not for Publication)

v.

Dominic Williams

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

July 30, 2003 (Continued)

DIVISION FIVE (Continued)

B166144 People (Not for Publication)
v.
James Santiago

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

[illegible]

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B164103 Los Angeles County, D.C.S. (Not for Publication)
v.
Danny H.

The juvenile court's jurisdiction and disposition orders are affirmed.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

DIVISION FIVE (Continued)

B163302 Los Angeles County, D.C.S. (Not for Publication)
v.
Krystal I.

The order terminating jurisdiction and granting sole legal and physical custody of the child, Myah F., to the father, Donal f., and requiring the mother to submit to drug tests as specified is affirmed.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B161184 People (Not for Publication)
v.
Erick Sanchez

The judgment is affirmed.

Turner, P.J.

I concur: Grignon, J.
I concur: Mosk, J. (opinion)

B161805 Darell Outhier (Not for Publication)
v.
O'Neil Data Systems

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

DIVISION FIVE (Continued)

B161002 People (Not for Publication)

V.

Luis Bracamontes

Defendant's sentence is modified as follows. As to count 1, defendant is sentenced to 25 years to life, plus a 10-year enhancement pursuant to section 12022.53, subdivision (b), and a 3-year enhancement pursuant to section 12022.7, subdivision (a). The total count 1 sentence is 38 years to life. As to count 2, defendant is sentenced to 25 years to life, plus a 10-year enhancement pursuant to section 12022.53, subdivision (b). The count 2 sentence is 35 years to life. In addition, defendant is sentenced to five years pursuant to section 667, subdivision (a)(1) and three one-year enhancements pursuant to section 667.5, subdivision (b). Defendant's total term is two consecutive indeterminate terms of 38 years to life plus 35 years to life consecutive to 8 years. The sentence is modified as described in the immediately preceding paragraph. The judgment is affirmed in all other respects. A corrected abstract of judgment is to be forwarded to the Department of Corrections.

Turner, P.J.

We concur: Armstrong, J.

Mosk, J.

B160128 George Airab (Not for Publication)

V.

Household Financial Services

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.

Mosk, J.

DIVISION FIVE (Continued)

B161582 People (Not for Publication)

V.

Carmelo Santiago Leon

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B162022 People (Not for Publication)

V.

Damien Dion Spruiell

The superior court clerk is directed to correct the abstract of judgment to reflect defendant's presentence credits of 374 days of actual credits. The superior court clerk shall forward a corrected copy of the abstract of judgment to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B155198 People (Not for Publication)

V.

Eric Falcon

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

July 30, 2003 (Continued)

DIVISION FIVE (Continued)

B161135 People (Not for Publication)

$$\mathbf{V}_i$$

Mansfield R. Brown

The judgment against appellant is reversed and all charges against him in this matter are ordered dismissed.

Armstrong, J.

We concur: Grignon, Acting P.J.

Mosk, J.

B163184 People (Not for Publication)

V.

Cookie Smith

The matter is remanded to the trial court for the limited purpose of entering its reasons for dismissal into the minutes. The judgment of dismissal is affirmed in all respects.

Armstrong, J.

We concur: Turner, P.J.

Mosk, J.

B158930 Blanche Pepito (Not for Publication)

V.

City of West Covina

The appeal is dismissed as untimely. Respondent shall recover its costs, if any, on appeal.

Mosk, J.

We concur: Turner, P.J.

Grignon, J.

DIVISION FIVE (Continued)

B158287 People (Not for Publication)

V.

Louie E. Deleon

The judgment is modified to reflect 266 days of actual custody credits in addition to presentence worktime credits in the amount of 86 days, for a total of 352 days of presentence custody credits. The abstract of judgment is ordered to be modified to list the sentence enhancements imposed under the Health and Safety Code as imposed under section 11370.2, subdivision (a) of that code; to include the \$50 laboratory fee pursuant to Health and Safety Code section 11372.5, subdivision (a); to delete the three stricken sentence enhancements under Penal Code section 667.5, subdivision (b) that were incorrectly listed as stayed; to delete the statement that DeLeon's probation is to expire on November 1, 2006; and to impose a \$50 fee under Penal Code section 1464, subdivision (a) and a \$35 fee under Government Code section 76000, subdivision (a). The clerk of the superior court is ordered to prepare an amended abstract of judgment as set forth in this opinion and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

B162661 Los Angeles County, D.C.S. (Not for Publication)

V.

Sava M.

The order is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

July 30, 2003 (Continued)

DIVISION FIVE (Continued)

B162983 John Schroeder
v.
Scott H. Gillen, et al.

Filed order granting court's own motion to dismiss appeal. Appeal (notice of appeal filed November 8, 2002) dismissed.

DIVISION SIX

B151626 Board of Trustees of The Calif. State University (Not for Publication)
v.
Bello's Sporting Goods

The judgment is reversed and remanded for further proceedings consistent with this opinion. Costs are awarded to appellant.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B160902 People (Not for Publication)
v.
Mesa

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

July 30, 2003 (Continued)

DIVISION SIX (Continued)

B165340 People (Not for Publication)
v.
Newell

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B157232 County of Ventura
v.
Dimmick

Filed order denying petition for rehearing.

B161789 People
v.
Pupich

Filed order denying petition for rehearing.

DIVISION EIGHT

B159127 People (Not for Publication)
v.
Larios

The judgment is reversed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

July 30, 2003 (Continued)

DIVISION EIGHT (Continued)

[illegible]

For the reasons set forth, the order committing minor to CYA is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

B160938 Berberich, et al. (Not for Publication)
v.
City Council Of The City Of Los Angeles, et al.,
Wayne, et al.

The judgment is affirmed. Respondents to recover their costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

B155951 People (Not for Publication)
v.
Ramirez

The judgment is reversed. Upon remand, the trial court is directed to conduct a Pitchess hearing as to Deputy Sprengel.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

DIVISION EIGHT (Continued)

B157328 Bandikian (Not for Publication)
v.
Zorenkelian, et al.

The judgment confirming the Award is affirmed. Each party to bear his own costs.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B153447 People (Not for Publication)
v.
Santiago, et al.

As to DeSantiago, we reverse the personal use findings and reverse the conviction on count 3 for insufficiency of evidence. As to both defendants we reverse the remaining judgments of conviction and remand for further proceedings. Upon remand and prior to any new trial in which evidence relating to the scent transfer unit (STU) is used, there must be a Kelly hearing on the STU.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B160428 People v. Soriano (Not for Publication)

The judgment of the trial court is reversed and remanded for re-sentencing.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

DIVISION EIGHT (Continued)

B156022 Cameron
 v.
 Mercantile Mortgage, et al.

Filed order denying petition for rehearing.

B152846 Jitner
 v.
 Amiri, et al.

Filed order denying petition for rehearing.